Attorney Docket No. Q59675
**PATENT APPLICATION**

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/615,700

## REMARKS

Applicant thanks the Examiner for acknowledging his claim to priority under 35 U.S.C. § 119, and receipt of a certified copy of the priority document.

Claims 1-6 are all the claims pending in the application.

Claims 1-6 stand rejected under 35 U.S.C. 102(b) as being anticipated by Ferguson (GB 2,310,971). Applicant respectfully traverses these rejections, and requests reconsideration and allowance of the claims in view of the following arguments.

Claim 1 recites a method of transmitting user data over a synchronous digital communication network, wherein only part of multiplex units are filled with user data, and multiplex units which are not filled with user data are omitted. The Examiner has asserted that Ferguson teaches these features, referring to Ferguson, page 10, lines 2-3 and line 18. Applicant respectfully disagrees.

Ferguson discloses inverse multiplexing which adapts a serial data stream into multiple slower parallel streams for transport (Ferguson, page 1, lines 6-7). An asynchronous transfer mode (ATM) inverse multiplexer (AIM) standardizes the adaption of a stream of any ATM cells into multiple parallel streams (Ferguson, page 1, lines 13-17). As shown in Fig. 7 of Ferguson, cells of corporate traffic in excess of a Quality of Service (QoS) agreed upon by the corporation and a telephone company will be at risk of deletion by telephone company "policing", and idle cells used to fill a User Network Interface (UNI) are permitted to be deleted without reference to any QoS contract (Ferguson, page 9, line 19 to page 10, line 3). A corporation may control

parameters of bursty cell flow, and should prevent an agreed upon Peak Cell Rate (PCR) from being exceeded by delaying any cells within excessive peaks (Ferguson, page 10, lines 5-9; and Fig. 8). Rate adaption to a smaller bearer involves the deletion of idle cells (Ferguson, page 10, lines 18-19).

Thus, the parts of Ferguson cited by the Examiner as teaching omission of empty multiplex units actually deal with deletion of idle ATM cells. However, it is known in the art that ATM cells are fixed length data packets, consisting of 48 bytes for information field and 5 bytes for the header. ATM cells are the user data and constitute a payload. On the other hand, multiplex units are used to carry the payload (Specification, page 10, lines 1-8). The capacity of a multiplex unit is measured by Mega-bytes, but an ATM cell is only 53 bytes (Specification, the paragraph bridging pages 1 and 2).

Further, the claimed inventions do not omit user data, but omit idle multiplex units from the contiguous concatenation. The ATM cells cannot be read as multiplex units because ATM cells cannot be concatenated.

Accordingly, deletion of ATM cells in Ferguson does not teach or suggest omission of empty multiplex units, the carrier of the ATM cells, recited in claim 1. Applicant therefore respectfully submits that claim 1 and its dependent claims 2-4 are patentable.

Claim 5 recites a multiplexer for a synchronous digital communication network wherein only part of multiplex units are filled with user data, and empty multiplex units are omitted. Thus, claim 5 is patentable for the same reasons as those for claim 1.

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Claim 6 recites a peripheral device for transmitting user data over a synchronous digital communication network, wherein only part of multiplex units are filled with user data. The Examiner has further asserted that Ferguson discloses this feature, referring to Ferguson, page 10, lines 2-3 and 18-22. As discussed above, what is disclosed at Ferguson, page 10, lines 2-3 and lines 18-19 is deletion of ATM cells from a data stream. At lines 20-22 on page 10, Ferguson states again that ATM inverse multiplexing puts a serial cell stream through a number of parallel channels. Thus, the parts of Ferguson cited by the Examiner fail to teach or suggest filling only part of multiplex units with user data. No other part of Ferguson teaches or suggests this feature. Accordingly, Applicant respectfully submits that claim 6 is patentable.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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